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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,697	07/06/2000	Susumu Matsuzoe	JEL.31209	1839

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Stevens Davis Miller & Mosher LLP
1615 L Street NW Suite 850
Washington, DC 20036

EXAMINER

SHERRILL, JASON L

ART UNIT	PAPER NUMBER
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2622

3

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/609,697

Applicant(s)

MATSUZOE ET AL.

Examiner

Jason L Sherrill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In claim 1, "second mode in which the period data" should read "second mode in which the periodic data". Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Suzuki et al. (U.S. Patent No. 6,334,161).

For claim 1, Suzuki discloses an image input apparatus comprising: reading means for reading a manuscript image (col. 6, lines 7-13); and communication means for performing a transfer of image data which is read by the reading means to another apparatus and a transfer of control data to the other apparatus (Fig. 2; col. 6, line 49 – col. 7, line 2); wherein the communication means has a first mode in which periodic data transfer can be assured (col. 12, lines 38-45), and a second mode in which the periodic data transfer cannot be assured (col. 12, lines 41-43), and transfers the image data and the control data in the first and second modes, respectively (col. 6, lines 40-43).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 6,334,161), and further in view of Nomura et al. (U.S. Patent No. 6,606,320).

For claim 2, Suzuki discloses an image input apparatus comprising: reading means for reading a manuscript image (col. 6, lines 7-13); and communication means for performing a transfer of image data which is read by the reading means to another apparatus (Fig. 2; col. 6, line 49 – col. 7, line 2), wherein the communication means has a first mode in which periodic data transfer can be assured (col. 12, lines 38-45), and transfers the image data in the mode (col. 6, lines 40-43).

Suzuki fails to disclose transferring data other than the image data in a period in which there is no image data to be transferred.

Nomura discloses transferring data other than the image data in a period in which there is no image data to be transferred (col. 7, lines 41-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the data communication systems of Suzuki and Nomura because both teach asynchronous and synchronous transfer of image data. The improvement on Suzuki by Nomura would allow for control data to be

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transferred while there is no image data to transfer causing a more efficient communication system.

For claim 3, Suzuki discloses an image input apparatus comprising: reading means for reading a manuscript image (col. 6, lines 7-13); and communication means for performing a transfer of image data which is read by the reading means to another apparatus (Fig. 2; col. 6, line 49 – col. 7, line 2), wherein the communication means has a first mode in which periodic data transfer can be assured (col. 12, lines 38-45), and transfers the image data in the mode (col. 6, lines 40-43).

Suzuki fails to disclose transferring data other than the image data until the transfer the transfer of the image data is started.

Nomura discloses transferring data other than the image data until the transfer the transfer of the image data is started (col. 7, lines 41-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the data communication systems of Suzuki and Nomura because both teach asynchronous and synchronous transfer of image data. The improvement on Suzuki by Nomura would allow for control data to be transferred while there is no image data to transfer causing a more efficient communication system.

Allowable Subject Matter

6. Claims 4-11 are allowed.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kobayashi (U.S. Patent No. 6,584,534) discloses a combined isochronous and asynchronous communication apparatus.

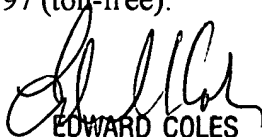
b. Yoshida (U.S. Patent No. 6,476,937) discloses a facsimile apparatus having a standard and nonstandard communication function.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLS


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